

d.) Remarks.

Applicant has amended the Abstract and added a Figure legend for Figure 5. Support for the amendment to the Abstract can be found throughout the specification. Support for a figure legend for Figure 5 can be found in the specification at Paragraph [0046].

Applicant has canceled claims 33-38, amended claims 1, 8, 9, 11, 16, 17, 19, 22-25, 27-29 and 32, and added new claim 42. Support for the amendment to claim 1 can be found in claim 10, which was wholly incorporated. Support for the amendments to claims 8, 9, 17, 22, 23, and 27-29 can be found throughout the specification, such as at Paragraphs [0022] to [0037], and also the claims, such as claims 1, 3, 13, 14, 18, 38 and 39. The amendments to claims 11, 16, 19, 24 and 32 are typographical corrections, support for which, as needed, can be found throughout the specification. Support for new claim 42 can be found in original claim 1, and also in the specification at Paragraph [0021].

No new matter or new issues are raised with these amendments and their entry is respectfully requested. Thus, claims 1-9, 11-32 and 39-42 are currently pending.

Remarks Regarding PTO Communications Mail Dated November 14th, July 17th, and Dec. 7th

Applicant received Communications from the PTO mail dated December 7th, November 14th and July 17, 2007, alleging that the status identifiers of certain claims are incorrectly identify the claims as original when they were previously withdrawn. These claims have been canceled herein and the proper status identifier is provided. Further, Applicant has provided the amendments to the Abstract on a separate page.

Remarks Regarding Restriction/Election

Applicant recognizes that the Examiner has ruled the prior restriction requirement final, and withdrawn claims 33-38 from further consideration. However, Applicant notes with appreciation the withdrawal of the Examiner's prior species restriction. Accordingly, claims 1-32 and 39-41 were examined on the merits.

Remarks Regarding Information Disclosure Statement

An Information Disclosure Statement was submitted to the PTO on April 24th, 2007, listed all of the references cited in the specification of the instant application.

Remarks Regarding Objection to the Specification

The specification stands objected to under M.P.E.P. § 608.01(b) as allegedly using the term “invention” in the abstract. Applicant respectfully traverses this objection. The term has been deleted and Applicant respectfully requests that this objection be withdrawn.

The specification stands objected to under M.P.E.P. § 608.01(b) as allegedly not containing a description for Figure 5. A Figure legend for Figure 5 has been provided with this Amendment. Applicant respectfully requests that this objection be withdrawn.

Remarks Regarding Objection to the Drawings

The drawings stand objected to, under 37 CFR 1.83(a), as allegedly not showing each and every feature of the claimed invention. Applicant respectfully traverses this objection.

Specifically, the Examiner asserts that the claimed aspects of claims 9, 39, 40 and 41 must be shown as features in drawings. Applicant respectfully disagrees.

First, Applicant respectfully asserts that no additional drawings are necessary to show these aspects of the invention. From a complete reading of the specification, the invention of these claims is clear to one of ordinary skill in the art. Nevertheless, Applicant provides the following additional remarks.

As to claim 9, the Examiner asserts that the aspect of sections being in parallel two-dimensional planes requires a drawing. Applicant respectfully disagrees. The invention of claim 9 is not complicated, which is to say it is not rocket science. One of ordinary skill in the art is perfectly capable of understanding and manufacturing the invention of claim 9.

As to claims 39-41, the Examiner asserts that the securing device of these claims requires a drawing to be understood. Applicant respectfully disagrees. The invention of claim 39 is a plurality of the clasps of claim 1 secured together. Although admittedly the possible number of clasps that could be connected, and the ways in which they could be connected is large. However, one skilled in the art does not require a drawing to understand the full breadth and scope of these claims. Claims 40 and 41 are directed to a ring and a knot, respectively, neither of which requires a drawing. One skilled in the art can easily envision a single connection at one end of the plurality of clasps as a knot and as a ring. No more is required of Applicant.

In view of Applicant's remarks, Applicant respectfully requests that the objection to the drawings be withdrawn.

Remarks Regarding 35 U.S.C. § 112, First Paragraph

Claim 9 stands rejected, under 35 U.S.C. § 112, first paragraph, as allegedly not enabled. Applicant respectfully traverses this rejection.

It is alleged that claim 9 is not enabled in that there is no indication as to “how the sections defined in claim 1 are configured so as to be ‘in parallel two-dimensional planes’” (Office Action, page 5). According to the Examiner, Paragraph [0030] indicates that “sections may be configured in one or more parallel planes, but gives no indication of the configuration of the sections within parallel planes so as to enable one of ordinary skill to configure the device.” Applicant respectfully disagrees.

First, Applicant has reviewed the Examiner’s comments and found them to be unclear. If the Examiner is asserting that the bending of materials that may comprise the clasp must be disclosed in detail, Applicant respectfully disagrees. The bending of materials such as the preferred embodiment, a metal, is well known and long been known to those skilled in the art. Most any shape can be achieved and, using the instant specification as guidance, the preferred shapes of the clasp including parallel two-dimensional planes can be easily manufactured. Nevertheless, Applicant provides further remarks regarding the specific enablement of claim 9 from the specification.

Claim 9 recites that: “...the sections are in parallel two-dimensional planes.” Paragraph [0030] recites that:

“In a preferred embodiment of the invention, all sections of a clasp are aligned in a single plane. In other words, the sections are placed in a single two-dimensional configuration. Alternatively, sections may be configured in one or more parallel planes or in a three dimensional configuration as desired for maximum strength, comfort in grasping, or appearance for marketing purposes.”

Applicant respectfully asserts that, from this paragraph alone, the claimed clasp having sections in parallel two-dimensional planes is fully enabled to one skilled in the art. In addition, Applicant respectfully refers the Examiner to Paragraphs [0033], [0041], and [0046], and also Figures 1, 2 and 5. These paragraphs discuss various shapes that the clasp may take, including how to form those shapes with bending equipment, and the forms of the clasp that are in parallel two-dimensional planes, precisely as recited in Claim 9. Further, Figures 1, 2 and 5 all show preferred clasps of the invention having various sizes and types of

sections. Applicant respectfully asserts that claim 9 is enabled to one skilled in the art from a complete reading of the specification and in full satisfaction of the enablement requirements of Section 112, first paragraph. No more can be required.

Thus, the rejection of claim 9, under 35 U.S.C. § 112, first paragraph, is overcome or in error, and Applicant respectfully requests that it be withdrawn.

Remarks Regarding 35 U.S.C. § 112, Second Paragraph

Claims 1-20, 23-25, 27-29, 32 and 39-41 stand rejected, under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. Applicant respectfully traverses this rejection.

Specifically, the Examiner notes that Applicant asserted that claims 1-38 are generic to all species. Applicant respectfully notes that the Manual of Patent Examining Procedures (“MPEP”) defines a generic claim as follows:

“In an application presenting three species illustrated, for example, in Figures 1, 2, and 3, respectively, a generic claim should read on each of these views; but the fact that a claim does so read is not conclusive that it is generic. It may define only an element or subcombination common to the several species.

It is not possible to define a generic claim with that precision existing in the case of a geometrical term. In general, a generic claim should include no material element additional to those recited in the species claims, and must comprehend within its confines the organization covered in each of the species” MPEP 806.04(d).

In addition, Applicant also noted in the Restriction Response, filed August 12, 2004, that Applicant disagreed with the species distinctions. None appeared to Applicant to be proper species and the restriction should have been withdrawn. Although the species restriction was maintained, that doesn’t make it correct, and Applicant maintains this position.

Nevertheless, the Examiner’s comments on pages 5-6 of the Office Action refer to the aspect whereby the connections between the three sections are recited to be perpendicular. The Examiner next asks if Applicant is using the term “perpendicular” contrary to the ordinary meaning (Office Action, page 6, line 5). Solely to expedite prosecution, Applicant has added new claim 42. This claim recites that the connections are “at an angle” and, thus, is believed to satisfy the Examiner’s concern. This aspect of the rejection is believed to be moot or overcome.

As for claims 8 and 9, the Examiner asserts that these claims are indefinite because it is unclear which sections are being referred to. Solely to expedite prosecution, Applicant has amended claims 8 and 9 to recite that the sections include the first, second and third. This, this aspect of the rejection is believed to be moot.

As for claim 11, the Examiner asserts that there is no antecedent basis for the term "shaped rod." This was a typographical error in the dependency of this claim. Applicant has amended claim 11 to be dependent from claim 10, which introduces the shaped rod. Thus, this aspect of the rejection is moot.

As for claim 16, the Examiner asserts that the term "attach" is unclear. Again, this appears to have been a typographical error. Applicant has amended claim 16 to recite "attached." Thus, this aspect of the rejection is moot.

As for claim 17, the Examiner asserts, basically, that because the hook portion comprises the first section, and because the first section separates the second and third sections of the hook portion from the grip portion, the hook portion cannot be separated from itself. Solely to expedite prosecution, Applicant has amended claim 17 to recite that the first section is "attached to" both the hook portion and the grip portion. Thus, this aspect of the rejection is moot.

As for claim 19, the Examiner asserts that the term "device" lacks antecedent basis. Applicant has amended claim 19 to delete the term "device" and clasp. Thus, this aspect of the rejection is moot.

As for claim 23, the Examiner asserts that the term "hook portion is unclear because claim 22 has two hook portions. Applicant has amended claim 23 to recite the hook portion "of each clasp of said pair of clasps." Thus, this aspect of the rejection is moot.

As for claims 24 and 25, the Examiner asserts that the terms "first, second and third sections" have no antecedent basis. Applicant has amended claim 22 to provide proper basis and also amended claim 25 to make it clear that the first section is attached to both the hook and grip portions. Thus, this aspect of the rejection is moot.

As for claims 27 and 28, the Examiner asserts that the phrase "the shaped rounded rod" renders these claims indefinite because claim 22 defines two clasps. Applicant has amended claim 22 to make clear that the shaped rounded rod refers to each hook portion. Thus, this aspect of the rejection is moot.

As for claim 32, the Examiner asserts that the term “equipment” renders the claim indefinite because equipment does not serve notice of the scope of the claim. This was a typographical error in the dependency of this claim. Applicant has amended claim 32 to be dependent from claim 30, which introduces the term equipment. Thus, this aspect of the rejection is moot.

In view of Applicant’s amendments to the claims and remarks above, Applicant respectfully requests that the rejection of claims 1-20, 23-25, 27-29, 32 and 39-41, under 35 U.S.C. § 112, second paragraph, be withdrawn as moot or overcome.

Remarks Regarding 35 U.S.C. § 102(b)

A. Claims 1, 6-11, 15, 16, 18, 19 and 21 stand rejected, under 35 U.S.C. § 102(b), as allegedly anticipated by Prosen (U.S. Patent No. 5,035,558). Applicant respectfully traverses this rejection.

Specifically, the Examiner asserts that Claim 1 requires a hook portion comprising “a first section, a second section, and a third section, wherein the first section is connected to and perpendicular with the second section and the second section is perpendicular with the third section.” This is shown in Figures 1 and 2. Prosen fails to disclose or suggest a hook portion as described above. Prosen discloses, as shown in Figures 2 and 5, a number of teeth 4, contained by the mouth of the slot 14, which is contained in shank 12. The shank 12, tapered slot 13, mouth of the slot 14, and teeth 4 of the clasp 3 of Prosen does not disclose or suggest Applicant’s hook portion sections as detailed above, since shank 12 does not include a “first section (is) connected to and perpendicular with the second section, and the second section is perpendicular with the third section,” but rather a series of non-perpendicular teeth 4 and a curved (non-perpendicular) tapered slot 13. The “relative dimensions” of Applicant’s claimed invention stated by the Examiner are not anticipated or suggested since the shank 12 has no discernable sections as described by the Examiner and teeth 4 are not perpendicular to each other, as Applicant’s sections.

Nevertheless, and solely to expedite prosecution, claim 10 has been added to claim 1 and, thus, this rejection is moot.

For at least these reasons, Prosen does not anticipate the claimed invention, and Applicant respectfully requests that this rejection of claims 1, 6-11, 15, 16, 18, 19 and 21, under 35 U.S.C. § 102(b), be withdrawn.

Remarks Regarding 35 U.S.C. § 103(a)

A. Claims 2-5, 12, 13, 22-24, 26-28, 30 and 31 stand rejected, under 35 U.S.C. § 103(a), as allegedly obvious over Prosen in view of Chaun (U.S. Patent No. 4,831,692). Applicant respectfully traverses this rejection.

The arguments above regarding Prosen are specifically incorporated by reference. Applicant's perpendicular hook portion sections (as detailed above) are not taught or suggested by the combination of Prosen and Chuan, as claim 2 is dependent upon claim 1, and incorporates all the elements of claim 1. As the Examiner points out, the Prosen hook of Figure 5 is an intermediate hook, i.e., not at an end, whereas Applicant clearly claims a "terminus" location.

As to claim 5, there is no teaching or suggestion by the combination of Prosen and Chuan to incorporate the perpendicular hook sections (as detailed above) in a manner disclosed by Applicant.

As to claim 22, the combination of Prosen and Chuan does not disclose or suggest separating the cord from the grip with a pinch portion incorporating the perpendicular hook portions sections as claimed by Applicant.

As to claims 12, 13, 27 and 28, the combination of Prosen and Chuan does not disclose or suggest any material for forming Applicant's perpendicular hook sections (as detailed above) in a manner disclosed by Applicant.

In addition, Applicant respectfully notes that claims 1 and 10 have been combined, and thus, this rejection is moot.

For at least these reasons, Applicant respectfully requests that the rejection of claims 2-5, 12, 13, 22-24, 26-28, 30 and 31, under 35 U.S.C. § 103(a), be withdrawn.

B. Claims 12-14 stand rejected, under 35 U.S.C. § 103(a), as allegedly obvious over Prosen in view of Simon (U.S. Patent No. 3,328,064). Applicant respectfully traverses this rejection.

The arguments above are herein incorporated by reference. There is no motivation or suggestion by the combination of Prosen and Simon to utilize any material to form Applicant's invention, including the perpendicular hook section portions.

In addition, Applicant respectfully notes that claims 1 and 10 have been combined, and thus, this rejection is moot.

For at least these reasons, Applicant respectfully requests that the rejection of claims 12-14, under 35 U.S.C. § 103(a), be withdrawn.

C. Claim 29 stands rejected, under 35 U.S.C. § 103(a), as allegedly obvious over Prosen in view of Chuan, and further in view of Simon. Applicant respectfully traverses this rejection.

The arguments above are herein incorporated by reference. There is no motivation or suggestion by the combination of Prosen and Chuan that would lead to Applicant's claimed invention. The addition of Simon does not alter this conclusion.

For at least these reasons, Applicant respectfully requests that the rejection of claim 29, under 35 U.S.C. § 103(a), be withdrawn.

D. Claim 17 stands rejected, under 35 U.S.C. § 103(a), as allegedly obvious over Prosen in view of Yonts (U.S. Patent No. 4,842,236). Applicant respectfully traverses this rejection.

The arguments above are herein incorporated by reference. There is no motivation or suggestion by the combination of Prosen and Yonts.

In addition, Applicant respectfully notes that claims 1 and 10 have been combined, and thus, this rejection is moot.

For at least these reasons, Applicant respectfully requests that the rejection of claim 17, under 35 U.S.C. § 103(a), be withdrawn.

E. Claim 25 stands rejected, under 35 U.S.C. § 103(a), as allegedly obvious over Prosen in view of Chuan, and further in view of Yonts. Applicant respectfully traverses this rejection.

The arguments above are herein incorporated by reference. There is no motivation or suggestion by the combination of Prosen and Chuan that would lead to Applicant's claimed invention. The addition of Yonts does not alter this conclusion.

For at least these reasons, Applicant respectfully requests that the rejection of claim 25, under 35 U.S.C. § 103(a), be withdrawn.

F. Claim 20 stands rejected, under 35 U.S.C. § 103(a), as allegedly obvious over Prosen in view of Schrader (U.S. Patent No. 6,113,327). Applicant respectfully traverses this rejection.

The arguments above are herein incorporated by reference. There is no motivation or suggestion by the combination of Prosen and Schrader that would lead to Applicant's claimed invention.

In addition, Applicant respectfully notes that claims 1 and 10 have been combined, and thus, this rejection is moot.

For at least these reasons, Applicant respectfully requests that the rejection of claim 20, under 35 U.S.C. § 103(a), be withdrawn.

G. Claim 32 stands rejected, under 35 U.S.C. § 103(a), as allegedly obvious over Prosen in view of Chuan, and further in view of Schrader. Applicant respectfully traverses this rejection.

The arguments above are herein incorporated by reference. There is no motivation or suggestion by the combination of Prosen and Chuan that would lead to Applicant's claimed invention. The addition of Yonts does not alter this conclusion.

For at least these reasons, Applicant respectfully requests that the rejection of claim 32, under 35 U.S.C. § 103(a), be withdrawn.

H. Claims 39 and 41 stand rejected, under 35 U.S.C. § 103(a), as allegedly obvious over Schwab (U.S. Patent No. 5,797,167), in view of Prosen. Applicant respectfully traverses this rejection.

The arguments above are herein incorporated by reference. There is no motivation or suggestion by the combination of Prosen and Chuan that would lead to Applicant's claimed invention. The addition of Yonts does not alter this conclusion.

In addition, Applicant respectfully notes that claims 1 and 10 have been combined, and thus, this rejection is moot.

For at least these reasons, Applicant respectfully requests that the rejection of claims 39 and 41, under 35 U.S.C. § 103(a), be withdrawn.

I. Claim 40 stands rejected, under 35 U.S.C. § 103(a), as allegedly obvious over Schwab in view of Prosen, and further in view of Vasilopoulos (U.S. Patent No. 5,722,125). Applicant respectfully traverses this rejection.

The arguments above are herein incorporated by reference. There is no motivation or suggestion by the combination of Schwab and Prosen that would lead to Applicant's claimed invention. The addition of Vasilopoulos does not alter this conclusion.

In addition, Applicant respectfully notes that claims 1 and 10 have been combined, and thus, this rejection is moot.

For at least these reasons, Applicant respectfully requests that the rejection of claim 40, under 35 U.S.C. § 103(a), be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, reconsideration of the application and issuance of a Notice of Allowance is respectfully requested.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the number below.

Should additional fees be necessary in connection with the filing of this Responsive Amendment, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge **Deposit Account No. 14-1437 for any such fees, referencing Attorney Docket No. 8106.002.US**; and Applicant hereby petitions for any needed extension of time not otherwise accounted for with this submission.

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